

U.S.S.N. 09/783,338

Filed: February 14, 2001

RESPONSE TO RESTRICTION REQUIREMENT

In response, applicants elect Group II, claims 6-14, without traverse.

Please cancel claims 1-5 and 15-19.

Please note that this is a continuation of U.S.S.N. 08/083,088. The claims in this case were rejected on the basis that they were not enabled under 35 U.S.C. 112, for *in vivo* as well as *in vitro* use. The Board of Appeals upheld the examiner's rejection on the basis that the appellants had failed to provide evidence that the method could be used *in vivo* as well as *in vitro*. Evidence showing *in vivo* as well as additional evidence of *in vitro* efficacy was obtained after filing of the appeal, but of course could not be considered in the appeal. This application was filed so that such evidence could be considered. The same evidence was filed in a related case, claiming a triplex forming oligonucleotide but one which does not include a mutagen, having a requirement for high affinity to the substrate instead. This case issued as U.S. Patent No. 6,303,376. The claims in this case are drawn to the earlier work, wherein a triplex forming oligonucleotide is combined with a mutagen in order to induce site specific mutagenesis. The evidence in the form of a declaration will be submitted shortly.

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Favorable consideration of claims 6-14 is earnestly solicited.

Respectfully submitted,

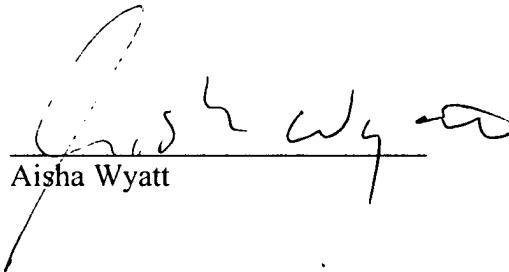


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I hereby certify that this paper, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date shown below with sufficient postage as first-class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.



Date: July 3, 2002

ATL1 #531579 v1